

and the Senator from Hawaii (Ms. HIRONO) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 25, as follows:

[Rollcall Vote No. 279 Ex.]

#### YEAS—61

Alexander	Grassley	Reed
Barrasso	Hassan	Roberts
Bennet	Hawley	Romney
Blackburn	Hoehen	Rubio
Boozman	Hyde-Smith	Sasse
Braun	Inhofe	Schatz
Brown	Johnson	Scott (FL)
Capito	Jones	Scott (SC)
Carper	Kaine	Shelby
Cassidy	Kelly	Sinema
Collins	Kennedy	Sullivan
Coons	King	Tester
Cornyn	Lankford	Thune
Cotton	Leahy	Tillis
Cramer	Lee	Toomey
Crapo	Manchin	Warner
Daines	McConnell	Whitehouse
Durbin	Moran	Wicker
Feinstein	Murkowski	Young
Gardner	Murphy	
Graham	Peters	

#### NAYS—25

Baldwin	Heinrich	Shaheen
Blumenthal	Klobuchar	Smith
Booker	Markey	Stabenow
Cantwell	Menendez	Udall
Cardin	Merkley	Van Hollen
Casey	Murray	Warren
Cortez Masto	Rosen	Wyden
Duckworth	Sanders	
Gillibrand	Schumer	

#### NOT VOTING—14

Blunt	Fischer	Perdue
Burr	Harris	Portman
Cruz	Hirono	Risch
Enzi	Loeffler	Rounds
Ernst	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 25.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Beth Harwell, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2024.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, I first went to meet with the then-Republican nominee for President of the United States, Donald Trump—that was October of 2016. I was really struck by his commitment.

It was kind of an interesting meeting. It was in the Trump Tower, and they had 10 people. Ten of us were meeting, each one in one particular area of expertise, supposedly. We had people there on energy. We had one on healthcare. I was there for the military. And I was very honored to be the one to advise him as to some of the issues and to talk about that.

The thing that surprised me is his commitment at that time to listening. You have to keep in mind, here is a guy who has been a giant in the industry

for many, many years, but he has never had anything to do with politics or government, really. So it was a learning experience for him, and he was actually listening. That was not his reputation, but he was doing it.

I remember he—we had a lot of questions that we asked and comments were made. Our conversations that day started a very strong friendship that I had with the one who would become President Trump. The President was listening closely. He asked good questions. Our conversations that day started a strong friendship, where I have been honored to offer him friendship, advice, and guidance in the area of the military, and I think it serves him well.

One good example of one of the areas where he was listening to me, against the advice of many of the people in his administration, was on the issue of Ligado. The President's advisers were trying to convince him to go ahead with the deal to sell off the GPS-adjacent spectrum; that it was a good thing and so forth. I talked to the President and made it very clear that allowing the Ligado deal to move ahead would jeopardize our Nation's GPS system, impacting not just the military and commercial aviation but farmers who rely on GPS to maintain fields and so many more. The results would be devastating, not to mention costly. The President got it, and we worked together on that issue.

I remember telling him how that happened. The FCC—the Federal Communications Commission—they were to issue and to give a spectrum to Ligado at that time. We were in recess, so I went to them, and I said: Don't do anything until we get out of recess so we can be in on this. There was a lot of objection to Ligado. So without listening to me, the FCC just went ahead and did it—on a weekend, I might add. It had never happened before. They never did it on a weekend before, but they did in this case. And they gave the order to Ligado.

Now, the interesting part of this was—this had to do with protecting our low-band spectrum from interference. It has nothing to do with good work the administration has made to make the bands of spectrum available to further our 5G development. That was all there. But that is how this happened.

The largest group I have seen ever come together in the years I have been in the House and the Senate on one issue was this issue—and I am talking about everyone. You had not just DOD and almost every bureaucracy but the airlines, the Farm Bureau, and everybody else. They were all in on this thing.

The President made the comment. He said: You know, anytime you are dealing with a bureaucracy and they tell you that something has to be done, and it has to be done on a weekend, has to be done at night, then you know something is wrong with it. Well, they rushed into it before they had the op-

portunity to do it with everyone being present at the time. But that is just another example of how close we were.

Another example was the Space Force. He wanted to do the Space Force, and I understand that. I was not, initially, all that concerned about it and supportive of it. But, on the other hand, you have countries like China and Russia—our main opposition out there—they have their space forces. And I think it is really good that we consolidated all of our efforts. We were really working well by consolidating that thing. We did that, and we did that together. That was one of the areas where we worked together.

I remember another one was the area of Western Sahara. It is something I have been on the floor talking about now for the last couple of weeks because Western Sahara has been—we have had the same position with Western Sahara since 1966; that is, they were rejected from their land in that area of the world, way back during the colonial days. In fact, at that time, it was the Spanish Sahara. We were devoted, at that time, for a right of self-determination for the people of Western Sahara.

I explained that to the President. At that time, he didn't have a lot of interest. He didn't know where Western Sahara was. He didn't really have a lot of interest in that. But then he did, and he became committed to the idea that we have had a policy for over 30 years in our country that we would recognize their right of self-determination. So he went along with that.

We tried to convince him this year's National Defense Authorization Act, as someone had told him or advised him wrongly—I am talking about maybe some of the people in the President's administration—that somehow the NDAA—now, the NDAA has now been passed by the House; it has been passed by the Senate; and it is going to be signed into law eventually. The President has talked about he might veto it, having something to do with that it wasn't strong enough against China. I want to get it on the record right now on the Senate floor and make sure everyone understands that this is the toughest thing on China. Well, in fact, it is not just me saying it. The American Enterprise Institute, which is sometimes referred to as the conservative voice of government, said that this bill, the NDAA of this year, the one that we passed, we just passed, is the toughest bill on China in 20 years.

Here is why. The national defense strategy—now, this is the book. We have to remember, this is something we need to adhere ourselves to. This was put together by 12 of the most knowledgeable people in America—six Republicans, six Democrats. They got together. This is providing for our defense for the future. It is a short book, but it is one that we have been living by. And they are very specific in their strategy as to where China is.

So last week, President Trump's Director of National Intelligence said

this—this is a quote—“The People’s Republic of China poses the greatest threat to America today, and the greatest threat to democracy and freedom world-wide since World War II.” That was what the Director said.

And from everything I have seen and everything our military leaders have told me, Director Ratcliffe is spot-on on this.

This is another quote. He said: “Beijing intends to dominate the [United States] and the rest of the planet economically, militarily and technologically.” I believe that is true. We have already seen evidence of the strategy. Within the last few years, China built its first military base outside of its own territory.

This is kind of interesting because this is a major deviation, what China has been doing for decades. They have always initiated any kind of a military activity from their own city limits. It all starts in China. And this has been going on for a long period of time. So this is a major deviation from that. This is a threat that China has, and they are against us.

China has changed. They had this major advance in Djibouti. That is the first time that they started a military operation outside of China itself. So they did it from Djibouti. I have been down there several times. I have flown over the area that they have.

China is not just in Djibouti, but it is all over the world. But down in that continent of Africa, they are as far south as the further extremes of China and all throughout. And in Tanzania, Southern Tanzania, they are very active down there. This is something that is new.

China is turning islands and reefs in the South China Sea into military bases. It is another part of the world. And they have been doing this. You all know about this. It has been going on for a long period of time.

In fact, they now are up to seven islands. These are not legal islands in their possession, but they took them—they created them. They didn’t take them; they created them. They made islands out there in the ocean.

If you go and look at what they have proudly displayed on those islands, it is as if they are preparing for world war III. That is China.

A lot of our allies in that area are wondering where is America while China is doing all of these things. So we are very strongly attuned to this.

This is what is happening today, as we speak. And this is what we are addressing in the National Defense Authorization Act on China.

In South America, China is working to secure a port access to the Panama Canal, El Salvador, Jamaica, the Bahamas, and all throughout that area. That is right next door to us. They are giving the Chinese Communist Party an advantage right in our neighborhood.

In all these cases, this is not just about military influence but economic

influence as well. Meanwhile, we are watching as China steals our intellectual property and uses it for their own gain.

A perfect example of this is in hypersonic weapons. Hypersonic weapons—a lot of people are not familiar with that. That is state of the art. That is a new thing. That is what we have been racing with against our two adversaries, both China and Russia. And guess what. China and Russia are both ahead of us in hypersonic.

People have this idea that America has the very best of everything. Now, I have to say—and I don’t say this critically of the Obama administration, but during the last 5 years of the Obama administration—that would be between 2010 and 2015—he reduced the funding for the military by 25 percent. This is the Obama administration. I don’t say it critically. He had different priorities than I have and other people have. And so at the same time he was reducing ours by 25 percent, China had increased in that same period of time by 83 percent. Stop to think about that. That is what is happening right now.

The threat they pose is real; it is urgent; and it needs a strong response. That is what the NDAA bill does. It takes strong action to push China back, to limit their influence, to counter their malign behavior, and to balance their military aggression.

Now, we know the best way to protect American security and prosperity in Asia and to ensure that the Indo-Pacific remains free and open for all is to maintain a credible balance of military power. There again, this is what the NDAA does. It specifically singles out China in that effort.

Until now, the ability to do this was at risk. Now, with the NDAA, we are achieving the “urgent change at significant scale”—again, going back to the NDS, what it requires—and we do so by establishing the Pacific Deterrence Initiative.

Remember, the last NDAA we had a year ago was the European deterrence. This one we have shifted to the Pacific Deterrence Initiative, and that is China and to dissuade China from its current trajectory of increasing aggression in the area and in that region. The PDI—that is the Pacific Deterrence Initiative—will enhance our forward posture in the Pacific and push the Pentagon to get our commanders in theater what they need. That is what we are doing now. That is what the NDAA is doing specifically against China.

It will help us put in the right capabilities and the right forces so China understands that there is no quick and easy way to have victory against us because of the NDAA and the efforts that we are making.

As we speak right now, the Pacific Deterrence Initiative also deepens our cooperation with our allies and partners in that region—building up the capabilities that we need to protect ourselves and our allies in that area so

that they know that we are with them. We are a team with them.

The NDAA authorizes \$2 billion this year for that Pacific Deterrence Initiative. But more than the investment, we also include the tools that will help us make better long-term strategic decisions about missions and priorities.

We saw how well this worked in the European Deterrence Initiative. That was last year. Last year, we were concentrating more on Russia. This year, it is China. So we saw how well it worked in the European initiative, and we can now track our efforts and do the same thing with China in the Pacific Deterrence Initiative.

Now, with the PDI, we are sending a strong signal to the Chinese Communist Party, as well as our partners and allies, that the American people are committed to defending our interests and values in the Indo-Pacific. Now, that is China we are talking about.

The Pacific Deterrence Initiative isn’t the only way that we send this signal. Elsewhere in the bill, we take steps to strengthen our relationship with our critical allies and our partners in the region, including Taiwan, India, Vietnam, and Japan.

The bill requires the Department of Defense to assess how we can improve our operations to prevent China and other strategic competitors from seizing control of Taiwan and threatening the territorial integrity of our defense partners, our partners in that area.

The NDAA also invests in the equipment that will help us counter China, to attack submarines—this is equipment that we have in the NDAA: the attack submarines, the precision-guided munitions—many of those, I might add, come from our State of Oklahoma—the air and missile defense systems, electronic warfare equipment, counter-ship capabilities, and a lot more. All of that is in the NDAA.

The reason I am saying this right now is that I think someone has misled the President in thinking that we were not really as aggressive as we should be in China, and we are. These are specific things we have never seen before. This is all against China.

It invests in the innovation that will help us build the capabilities we need to take care of China in the future—the artificial intelligence; hypersonic weapons, where they are still leading us right now, as we speak; quantum computing; and directed energy and beyond. It is all in the NDAA bill that just passed through the House and through the Senate.

So the NDAA takes these steps to support a forward posture and favorable balance of power, but we also have to defend against the full spectrum of their malign behavior.

Part of the problem with China is not just that they are modernizing equipment; it is that they are stealing our ideas, our technology, and then building on it. They are taking a shot at us and, in all of this, doing so illegally,

but they are doing it very effectively. That is what China does.

To protect our intellectual property, the NDAA—this is the bill we are talking about—creates the mechanisms to restrict employees or former employees of the defense industrial base from working for companies owned by or under the direction of China.

Now, this is something that has not been done before. We wake up and we find out that some of our industries that we are depending on for our defense are very close to China, so we are taking steps to stop that now.

Further, we are requiring universities to, No. 1, share information on defense-funded research; No. 2, disclose external funding for Federal grant recipients, so those recipients of grants are not working with the Chinese; and No. 3, limit funding for universities with Confucius Institutes.

The NDAA also directs the President to create a whole-of-government strategy to deter China's industrial espionage and large-scale theft of personal information. For the first time ever, we will impose real costs on the PRC for this behavior.

We know a big part of China's strategy is to fly under the radar. They don't want us to know what they are doing, so we also establish numerous provisions that will give us a better look at just what China is up to—all of this in the NDAA.

Right now, for instance, we don't have a great sense of exactly how much China is spending on their national defense. They lie a lot. So we task the DOD and federally funded research and development centers to conduct a full study of China's defense budget. Now, this is something we haven't done before. That is in the NDAA.

We also establish an ongoing assessment of China's industrial base, require a list of Chinese military companies operating in the United States to be publicly shared in the Federal Register, and mandate that recipients of Federal contracts disclose beneficial ownership. We need to know who those people are, and that is set up in the NDAA.

Over the past few years, it has become clear that we are too reliant on China for everything from critical materials to complex manufactured items, like parts of naval vessels—and even for medical supplies, as we saw just this year. The pandemic really showed us what happened and how vulnerable we are. And we are. Everybody knows that.

The NDAA protects and reforms our defense industrial base to mitigate these risks and to attract new performers to replace China, in other words, to get out of China any dependence that we have on China. It is all in the NDAA.

That is why the American Enterprise Institute, which has always been the conscience, declared that this is the toughest legislation on China in the last 20 years.

Lastly, the NDAA takes steps to protect the U.S. bases overseas by requiring the Secretary of Defense to notify Congress of how host countries using 5G networks from companies like Huawei and ZTE are mitigating the security risks from these networks before we base new major weapons systems there.

The last two NDAs set the ball in motion when it comes to countering China, and with this NDAA, I am confident that we are finally achieving the irreversible momentum we need to effectively implement the national defense strategy against China.

There is no turning back now. With this NDAA, we are sending China an unmistakable signal that, whether it is today or tomorrow, there will never be a good time for China to test America's military.

I will never forget that 4 years ago we had that meeting in Trump Tower, and we had 10 of us in there. We were talking about the military at that time. That is when the President became convinced—that is why I know that it is not President Trump who is saying this about the National Defense Authorization Act; it is advice that he is getting from advisers who just are not telling him the right thing.

Mr. President, I want you to know we have got our foot on the throat of China with our NDAA, and we are not going to let it up. And if any of your advisers tell you any different than this, they are not serving America well.

That concludes—well, not quite. Today is a very special day. I tell everybody who cares or not—not many people do, but I do—this is my wife's and my 61st wedding anniversary—today, December 19.

On the floor of the Senate yesterday, I talked a little bit about that and made the comment that I don't want to be here on my wedding anniversary, implying that I was not going to be here to vote. These votes that we are having right now are among the most critical votes that we have had, and I assure you I am going to be here until the last vote is cast.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BLACKBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOOMEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. TOOMEY. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the postcloture time with respect to the Harwell nomination expire at 6 p.m. today and that the Senate vote on confirmation of the nomination; I further ask that the cloture motion with respect to the Noland nomination ripen

at 1:30 p.m. tomorrow; finally, that if either nomination is confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Harwell nomination?

Ms. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CRUZ), the Senator from Wyoming (Mr. ENZI), the Senator from Iowa (Ms. ERNST), the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mrs. LOEFFLER), the Senator from Kentucky (Mr. PAUL), the Senator from Georgia (Mr. PERDUE), the Senator from Ohio (Mr. PORTMAN), the Senator from Idaho (Mr. RISCH), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from California (Ms. HARRIS), and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 25, as follows:

[Rollcall Vote No. 280 Ex.]

#### YEAS—59

Barrasso	Durbin	Leahy
Bennet	Gardner	Lee
Blackburn	Graham	McConnell
Boozman	Grassley	Moran
Braun	Hassan	Murkowski
Brown	Hawley	Murphy
Capito	Hoeben	Murray
Carper	Hyde-Smith	Peters
Cassidy	Inhofe	Reed
Collins	Johnson	Roberts
Coons	Jones	Romney
Cornyn	Kaine	Rubio
Cotton	Kelly	Sasse
Cramer	Kennedy	Schatz
Crapo	King	Scott (FL)
Daines	Lankford	Scott (SC)